REMARKS

Applicant submits this Response in response to the Office Action mailed June 16, 2006. Applicant has amended claim 1. Claims 1-15 and 23-28 are currently pending. No new matter has been added.

Applicant thanks the Examiner for the indication in the Office Action that claims 23-28 are allowable, and the indication that claims 6 and 7 would be allowable if rewritten in independent form.

In the Office Action, the Examiner rejected claims 1-5, 8-11, and 13-14 under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 6,909,708 to Krishnaswamy et al. ("Krishnaswamy"), in view of U.S. Patent No. 6,678,265 to Kung et al. ("Kung"). The Examiner also rejected claims 12 and 15 under 35 U.S.C. § 103(a) as unpatentable over Krishnaswamy in view of Kung and U.S. Patent No. 6,917,612 to Foti et al. ("Foti"). Applicant respectfully traverses the rejection of the remaining claims based on the following.[1]

As noted in Applicant's earlier responses, Krishnaswamy describes (among other things) "how a carrier class [Voice over the Internet] service could be offered." (Krishnaswamy, col. 78, lines 41-50.) Four cases are described: "1. PC to PC; 2. PC to PSTN; 3. PSTN to PC; and 4. PSTN to PSTN." (Id., col. 80, lines 53-57.) In the PC to PC case, Krishnaswamy notes that "customers would register with the directory service (for a fee, with recurring charges) and would make their location (IP address) known to the directory system whenever they connect to the Internet and want to be available for calls. . . . The directory service is envisioned as a distributed system, somewhat like the Internet Domain Name System, for scalability. This is not to imply, necessarily, the user@gfoo.com format for user identification." (Id., col. 81, lines 5-19.)

[1] As Applicant's remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicant's silence as to assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., whether a reference constitutes prior art, motivation to combine references) is not a concession by Applicant that such assertions are accurate or such requirements have been met, and Applicant reserves the right to analyze and dispute such in the future.

In describing PSTN to PC calling, Krishnaswamy describes a service that uses a directory service to identify the called PC, but not to store information concerning the PSTN caller (which is stored by the PSTN). (Id. col. 84, lines 43-52.) In order to properly bill for service, the service is described as using a "second dial tone" – a PSTN caller attempting to reach an Internet-connected PC will dial in to a "dial service" (e.g., an 800 or 900 service), provide billing information and the destination "phone number." (Id., col. 84, lines 58-65.) Krishnaswamy acknowledges, however, that specifying destinations is an "open issue," and posits a "best approach" of assigning a dedicated area code to Internet destinations for each carrier (which would avoid the use of second dial tone). (Id., col. 85, lines 1-23.) Krishnaswamy notes, however, that this implementation is "complicated" by number portability, and notes that a "country code" for Internet calls may be a solution. (Id., col. 85, lines 29-38.) Nowhere does Krishnaswamy describe the use of local number portability triggers to interface with an Internet-based called party. Moreover, nowhere does Krishnaswamy describe the use of a second trigger at a second switch that is responsive to calls received by the second switch that are directed to the same telephone number that activated a local number portability trigger.

Kung describes a system that allows for "porting a subscriber's telephone directory number from a first service provider network to a second service provider network in an IP telephone network." (Kung, col. 1, lines 53-56.) The system uses an "IP Local Number Portability database" which stores routing tables for each IP address, such that if a subscriber moves from one service provider to another, the IP address associated with the new service provider is stored in the database. (Id., col. 29, lines 55-62.) Call managers in the system may have the NPA-NXX range associated with the subscriber's phone number "flagged," such that call requests to such numbers generate a query to the IP Local Number Portability database to retrieve the current network address. (Id., col. 29, line 62 to col. 30, line 5.) Among other things, nowhere does Kung describe the use of local number portability triggers to interface with an Internet-based called party. Nor does Kung describe the use of a second trigger at a second switch that is responsive to calls received by the second switch that are directed to the same telephone number that activated a local number portability trigger.

In contrast to the system and methods described in Krishnaswamy and Kung, claim 1 recites a method that comprises:

> activating a local number portability trigger set at a first telephone switch included in said public telephone network, the local number portability trigger being responsive to calls received by said first telephone switch directed to said first telephone number;
>
> pausing call processing at said first telephone switch in response to activation of said local number portability trigger;
>
> accessing a local number portability database to obtain a number associated with a second telephone switch included in the public telephone network;
>
> activating a second trigger set at the second telephone switch, the second trigger being responsive to calls received by said second telephone switch directed to said first telephone number;
>
> accessing a database maintained in said Internet Protocol network in response to said second trigger to obtain there from information associated with the first telephone number; and
>
> controlling completion of said call by said second telephone switch as a function of the information obtained from said Internet Protocol network database.

Krishnaswamy and Kung neither teach nor suggest such a method. For example, Krishnaswamy and Kung do not describe "activating a second trigger set at the second telephone switch, the second trigger being responsive to calls received by said second telephone switch directed to said first telephone number," or "accessing a database maintained in said Internet Protocol network in response to said second trigger to obtain there from information associated with the first telephone number," as recited in claim 1. At best, Krishnaswamy describes connection of calls from the PSTN to an Internet-based called party through the use of a dedicated area code or country code for the Internet and assigned to the called party. No discussion of using a local number portability trigger is provided in Krishnaswamy. Kung describes the use of a "local number portability" database as part of an IP network, but provides no description of activating both a local number portability trigger at a first switch responsive to a first telephone number and a second trigger at a second switch that is also responsive to the first telephone number.

In support of the rejection, the Examiner cites a number of portions of Kung as describing elements of claim 1. (Office Action, p. 4.) Applicant respectfully disagrees with these

characterizations, and posits that the Examiner's assertions betray the weaknesses of the cited art. For example, the Examiner asserts that the description in Kung of an "off hook" signal that requests dial tone from a call manager describes a local number portability trigger. (Office Action, p. 4.) As an initial matter, one skilled in the art would understand that a mere "off-hook" signal is not a local number portability trigger as those terms are understood in the art. Moreover, as the off hook signal described in Kung does not include dialed digit information (that information is collected after dial tone is provided), it could not be used to generate a local number portability trigger, since the identity of the number called is not yet known. As another example, the Examiner asserts that the description in Kung of a "ringing message" sent from a residential gateway to a cable modem transmission system describes a local number portability trigger. (Office Action, p. 4.) Again, one skilled in the art would understand that a "ringing message" is not a "trigger" as those terms are understood in the art. This is made plain due to the fact that Kung does not describe accessing a database in response to the ringing message -- whereas claim 1 recites "accessing a database maintained in said Internet Protocol network in response to said second trigger."

As set forth above, the cited prior art does not teach or suggest all elements of claim 1 (for example, at least those missing elements discussed above), and Applicant therefore respectfully requests that the Examiner withdraw the rejection of claim 1. As claims 2-5, 8-11 and 13-14 depend from claim 1, and therefore include all of the limitations of claim 1, Applicant believes claims 2-5, 8-11 and 13-14 to be patentable over Krishnaswamy and/or Kung for at least the same reasons as claim 1,[2] and therefore respectfully requests that the Examiner withdraw the rejections of claims 2-5, 8-11 and 13-14 as well. Applicant further notes that claims 2-5, 8-11 and 13-14 include subject matter independently patentable over Krishnaswamy and/or Kung. For example, claim 9 recites that the second trigger is an advanced intelligent network trigger, and that the method further includes "pausing call processing at said second telephone switch following activation of said second trigger," and "sending a message to a service control point

[2] As Applicant's remarks with respect to the base independent claims are sufficient to overcome the Examiner's rejections of all claims dependent therefrom, Applicant's silence as to the Examiner's assertions with respect to dependent claims is not a concession by Applicant to the Examiner's assertions as to these claims, and Applicant reserves the right to analyze and dispute such assertions in the future.

located in said public telephone network, the service control point performing said accessing of the Internet Protocol network database." Neither of these elements is described by Krishnaswamy or Kung, as neither Krishnaswamy or Kung describe a second trigger responsive to calls directed to the first telephone number, much less an AIN trigger or a trigger that pauses call processing at the second switch.

In rejecting claims dependent claims 12 and 15, the Examiner has cited Foti as describing "using Enum to contact a device in said Internet Protocol network which is responsible for retrieving information from said database." (Office Action, p. 9.) However, Foti does not cure the deficiencies of Krishnaswamy and Kung noted above, and Applicant therefore respectfully requests that the Examiner withdraw the rejections of claims 12 and 15 for at least the same reasons as claim 1.

CONCLUSION

In view of the foregoing, Applicant respectfully submits that the pending claims are in condition for allowance. Reconsideration and allowance are respectfully requested. If there are any outstanding issues which need to be resolved to place the application in condition for allowance, the Examiner is invited to contact Applicant's undersigned representative by phone at the number indicated below to discuss such issues. To the extent necessary, a petition for extension of time under 37 C.F.R. § 1.136 is hereby made, the fee for which should be charged to deposit account number 07-2347. With respect to this application, please charge any other necessary fees and credit any overpayment to that account.

Respectfully submitted,

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